

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**EUGENE JOHNSON,**

**Defendant.**

**Case No. 21-CR-30030-SPM-2**

**MEMORANDUM AND ORDER**

**McGLYNN, District Judge:**

This matter comes before the Court on Defendant Eugene Johnson’s Motion for Sentence Reduction pursuant to 18 U.S.C. § 3582(c) and the United States Sentencing Guidelines Manual § 1B1.10 [hereinafter Guidelines], making Amendment 821 retroactive (Doc. 172). The Government agrees to the Motion.

The parties agree that the defendant is eligible for a reduction under Part A of Amendment 821, which amended § 4A1.1(e) (2023) and concerns criminal history points (“status points”) awarded because a defendant was under a criminal sentence when he committed his offense of conviction. Johnson’s total offense level at sentencing was 25 and his criminal history category was I, which provided for a sentencing range of between 57 and 71 months. The Court imposed a sentence of 57 months concurrent on Counts 1 and 2 at the low end of the Guidelines range. (*See* Doc. 147). Pursuant to Amendment 821 in conjunction with Johnson’s criminal history score of zero, his total offense level can be reduced from 25 to 23, resulting in

a lower advisory guideline range of 46 to 57 months. Considering this lowered range, the parties have agreed that a sentence reduction from 57 months to 46 months in prison on all counts of conviction is appropriate. The Court agrees for the reasons set forth in the Motion.

Accordingly, the Court **GRANTS** the agreed motion (Doc. 172) and reduces the defendant's sentence of imprisonment from 57 months to 46 months on both counts, to run concurrently, effective **February 1, 2024**. The Court attaches its standard order (AO Form 247) reflecting the sentence reduction.

**IT IS SO ORDERED.**

**DATED: January 9, 2024**

***s/ Stephen P. McGlynn***  
**STEPHEN P. McGLYNN**  
**U.S. District Judge**